

# HOUSE BILL 1050

C2, L6, P3

~~EMERGENCY BILL~~

11r2048

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By: **Delegates Beidle, Barnes, Braveboy, Clagett, Frush, Hogan, Holmes, Norman, O'Donnell, ~~and Otto~~ Otto, Jacobs, Vitale, James, Bohanan, Rudolph, Glenn, and McMillan**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Construction Permits – Expiration Dates**

3 FOR the purpose of requiring the running of the period of approval for certain permits  
4 issued by the State to be tolled for a certain period; requiring the running of the  
5 period of approval for certain permits issued by a county or a municipality to be  
6 tolled for a certain period; requiring a certain person who was issued a certain  
7 permit by the State, a county, or a municipality that will expire during a certain  
8 time period to pay any applicable renewal or permit extension fees; authorizing  
9 the State, a county, or a municipality to cancel a certain permit under certain  
10 circumstances; making certain conforming changes; defining certain terms;  
11 providing for the application and construction of this Act; ~~making this Act an~~  
12 ~~emergency measure~~; prohibiting a certain construction of this Act; providing for  
13 the termination of this Act; and generally relating to the expiration of  
14 construction and development permits.

15 BY repealing and reenacting, with amendments,  
16 Article – State Government  
17 Section 11–103(a)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2010 Supplement)

20 BY adding to  
21 Article – State Government

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 11–201 to be under the new subtitle “Subtitle 2. Permit Extensions”  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2010 Supplement)

4 BY adding to  
5 Article 24 – Political Subdivisions – Miscellaneous Provisions  
6 Section 23–101 to be under the new title “Title 23. Construction and  
7 Development Permits”  
8 Annotated Code of Maryland  
9 (2005 Replacement Volume and 2010 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – State Government**

13 11–103.

14 (a) **EXCEPT AS PROVIDED UNDER SUBTITLE 2 OF THIS TITLE, THIS**  
15 **TITLE:**

16 (1) **[This title] applies only to a development project and only through**  
17 **the completion of a final action under § 11–520 of this title[.]; AND**

18 (2) **[This title] does not apply to an application for a renewal,**  
19 **amendment, or extension of a development permit.**

20 **SUBTITLE 2. PERMIT EXTENSIONS.**

21 **11–201.**

22 (A) **IN THIS SUBTITLE, “PERMIT” INCLUDES A DEVELOPMENT PERMIT,**  
23 **AS DEFINED UNDER § 11–101(D) OF THIS TITLE.**

24 (B) **THIS SUBTITLE APPLIES TO A PERMIT ISSUED BY THE STATE FOR**  
25 **PROPOSED CONSTRUCTION OR DEVELOPMENT.**

26 (C) **THIS SUBTITLE DOES NOT APPLY TO:**

27 (1) **ANY PERMIT OR APPROVAL ISSUED BY THE UNITED STATES**  
28 **GOVERNMENT OR ANY FEDERAL AGENCY;**

29 (2) **ANY PERMIT OR APPROVAL ISSUED JOINTLY BY THE UNITED**  
30 **STATES GOVERNMENT AND A COUNTY OR A MUNICIPALITY;**

1           **(3) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY ANY FEDERAL**  
2 **AGENCY AND A COUNTY OR A MUNICIPALITY;**

3           **(4) ANY PERMIT OR APPROVAL THAT HAS AN EXPIRATION DATE**  
4 **ESTABLISHED UNDER A LAW OR REGULATION OF THE FEDERAL GOVERNMENT;**  
5 **OR**

6           **(5) ANY PERMIT, LICENSE, OR APPROVAL ISSUED UNDER THE**  
7 **FOLLOWING PROVISIONS OF THE ENVIRONMENT ARTICLE:**

8                   **(I) TITLE 4, SUBTITLE 1 OR SUBTITLE 2;**

9                   **(II) TITLE 5, SUBTITLE 5; OR**

10                   **(III) TITLE 9.**

11           **(D) THE RUNNING OF THE PERIOD OF APPROVAL FOR ANY PERMIT**  
12 **ISSUED BY THE STATE SHALL:**

13                   **(1) BE TOLLED BEGINNING ON JANUARY 1, 2008, AND ENDING ON**  
14 **DECEMBER 31, 2012; AND**

15                   **(2) BEGIN AGAIN ON JANUARY 1, 2013.**

16           **(E) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A PERSON**  
17 **THAT WAS ISSUED A PERMIT BY THE STATE THAT WOULD HAVE EXPIRED**  
18 **DURING THE PERIOD BEGINNING ON JANUARY 1, 2008, AND ENDING ON**  
19 **DECEMBER 31, 2012, IS REQUIRED TO PAY ANY APPLICABLE RENEWAL OR**  
20 **PERMIT EXTENSION FEES.**

21           **Article 24 – Political Subdivisions – Miscellaneous Provisions**

22           **TITLE 23. CONSTRUCTION AND DEVELOPMENT PERMITS.**

23           **23–101.**

24           **(A) IN THIS TITLE, “PERMIT” INCLUDES A DEVELOPMENT PERMIT, AS**  
25 **DEFINED UNDER § 11–101(D) OF THE STATE GOVERNMENT ARTICLE.**

26           **(B) THIS TITLE APPLIES TO A PERMIT ISSUED BY A COUNTY OR**  
27 **MUNICIPALITY FOR PROPOSED CONSTRUCTION OR DEVELOPMENT.**

28           **(C) THIS TITLE DOES NOT APPLY TO:**

1           **(1) ANY PERMIT OR APPROVAL ISSUED BY THE UNITED STATES**  
2 **GOVERNMENT OR ANY FEDERAL AGENCY;**

3           **(2) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY THE UNITED**  
4 **STATES GOVERNMENT AND A COUNTY OR A MUNICIPALITY;**

5           **(3) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY ANY FEDERAL**  
6 **AGENCY AND A COUNTY OR A MUNICIPALITY;**

7           **(4) ANY PERMIT OR APPROVAL THAT HAS AN EXPIRATION DATE**  
8 **ESTABLISHED UNDER A LAW OR REGULATION OF THE FEDERAL GOVERNMENT;**  
9 **OR**

10           **(5) ANY PERMIT, LICENSE, OR APPROVAL ISSUED UNDER TITLE 4,**  
11 **SUBTITLE 1 OR SUBTITLE 2 OF THE ENVIRONMENT ARTICLE.**

12           **(D) THE RUNNING OF THE PERIOD OF APPROVAL FOR ANY PERMIT**  
13 **ISSUED BY A COUNTY OR A MUNICIPALITY SHALL:**

14           **(1) BE TOLLED BEGINNING ON JANUARY 1, 2008, AND ENDING ON**  
15 **DECEMBER 31, 2012; AND**

16           **(2) BEGIN AGAIN ON JANUARY 1, 2013.**

17           **(E) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, A PERSON**  
18 **THAT WAS ISSUED A PERMIT BY A COUNTY OR A MUNICIPALITY THAT WILL**  
19 **EXPIRE DURING THE PERIOD BEGINNING ON JANUARY 1, 2008, AND ENDING ON**  
20 **DECEMBER 31, 2012, IS REQUIRED TO PAY ANY APPLICABLE RENEWAL OR**  
21 **PERMIT EXTENSION FEES.**

22           SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
23 affect the authority of the State or any county or municipality to revoke or modify a  
24 permit. The State or any county or municipality may cancel a permit affected by the  
25 provisions of this Act if the State or the county or municipality determines that the  
26 permit presents a threat to the public health, safety, or welfare of its citizens.

27           SECTION 3. AND BE IT FURTHER ENACTED, That, except as otherwise  
28 provided in this Act, this Act shall be construed to apply retroactively and shall be  
29 applied to and interpreted to affect any permit for construction or development issued  
30 by the State or any county or municipality on or after January 1, 2008, and on or  
31 before December 31, 2012.

32           SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be  
33 construed to affect the applicability of any requirement under:

1           (1) Title 8, Subtitle 18 of the Natural Resources Article;

2           (2) any regulation adopted under the authority of Title 8, Subtitle 18  
3 of the Natural Resources Article; or

4           (3) any local program requirement or other legal requirement adopted  
5 in accordance with the Chesapeake and Atlantic Coastal Bays Critical Area Protection  
6 Program.

7           SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act ~~is an~~  
8 ~~emergency measure, is necessary for the immediate preservation of the public health~~  
9 ~~or safety, has been passed by a yea and nay vote supported by three fifths of all the~~  
10 ~~members elected to each of the two Houses of the General Assembly, and shall take~~  
11 ~~effect from the date it is enacted~~ shall take effect June 1, 2011. It shall remain  
12 effective ~~through December 31, 2012,~~ for a period of 1 year and 7 months and, at the  
13 end of December 31, 2012, with no further action required by the General Assembly,  
14 this Act shall be abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.